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JEFFERSON CIRCUIT CT

NO. 18 CI 000781 2018 SEP 20 PM 2:55

JEFFERSON CIRCUIT COURT
DIVISION EIGHT (8)
JUDGE A.C. MCKAY CHAUVIN

SAINT MATTHEWS POLICE DEPARTMENT PLAINTIFF

VS.

KONG PENG VANG
AND
193,049.00 UNITED STATES CURRENCY DEFENDANTS

** ** ** ** **

On motion of the Plaintiff and the Defendant stipulating probable cause for forfeiture;

IT IS HEREBY ORDERED AND ADJUDGED AS FOLLOWS:

1. A Judgment is hereby entered in favor of Plaintiff, in the amount of $ 193.049.00 in U.S. Currency seized by the Plaintiff and said funds shall be forfeited and paid as set forth in paragraphs two (2) and three (3) of this Judgment.
2. Pursuant to KRS 218A.420(4)(b), fifteen percent (15%) of said currency forfeited, namely $28,957.35 , shall be awarded to the Jefferson County Attorney.
3. Pursuant to KRS 218A.420(4)(a), eighty-five percent (85%) of said currency forfeited, namely $164,091.65, shall be paid to the Saint Matthews Police Department, the law enforcement agency that seized the property.
4. Defendant shall be entitled to claim his personal property recovered by the Plaintiff.
5. Court costs against Defendant are waived.

This is a final and appealable Order and there is no just reason for delay.

9-6-18
ENTERED

JUDGE A.C. MCKAY CHAUVIN

Tendered by:

B. Frank Radmacher III
Assistant County Attorney
531 Court Place
Louisville, KY 40202

JAMES L. KING, JEFFERSON, CLERK
SEP 06 2018
BY
DEPUTY CLERK

Have seen; stipulate probable cause for forfeiture and have no objection:

William M. Butler Jr.
Attorney for Defendant Vang
500 West Jefferson Street, Suite 1520
Louisville, KY 40202

Filed 18-CI-0007 David L. Nicholson, Jefferson Circuit Clerk

NO.: 18CI-000781

JEFFERSON CIRCUIT COURT

DIVISION EIGHT (8)

JUDGE A.C. MCKAY CHAUVIN

SAINT MATTHEWS POLICE DEPARTMENT **PLAINTIFF**

v.

ANSWER

KONG PENG VANG
and
$193,049.00 UNITED STATES CURRENCY **DEFENDANTS**

* * * * * * * * * * *

Comes the Defendant, KONG PENG VANG, by counsel, owner of $193,049.00 of United States Currency and for his answer to the Complaint states as follows:

1. The Defendant, Kong Peng Vang, states that the $193,049.00 in question was in his lawful possession and was being kept in room #403 of the Hilton Garden Inn, 400 Sherburn Lane, Louisville, Kentucky.
2. The Defendant states that the $193,049.00 was not used or intended to be used in any manner to facilitate the commission of a violation of KRS 218A.010, et.seq.
3. The Defendant denies that the $193,049.00 was furnished or intended to be furnished in exchange for a controlled substance in violation of KRS Chapter 218A or as proceeds traceable to the exchange of a controlled substance in violation of KRS Chapter 218A.
4. The Hilton Garden Inn at 400 Sherburn Lane, Louisville, Kentucky removed the $193,049.00 from Room #403 which Kong Peng Vang occupied without his permission and turned it over to the Saint Matthews Police Department.

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5. Both this Court and the United States District Court for the Western District of Kentucky have original jurisdiction over this matter.
6. Kong Peng Vang resides at 4549 N. Angus, Fresno, California 93726.
7. Defendant Kong Peng Vang admits to the averments made by the Plaintiff in its paragraph 1 of the "Facts Giving Rise to this Action".
8. Defendant Kong Peng Vang admits to the averments made by the Plaintiff in its paragraph 2 of the "Facts Giving Rise to this Action".
9. Defendant Kong Peng Vang denies the averments made by the Plaintiff in its paragraph 3 of the "Facts Giving Rise to this Action".
10. Defendant Kong Peng Vang admits the room was registered to him as stated in paragraph 4 by the Plaintiff of the "Facts Giving Rise to this Action".
11. Defendant Kong Peng Vang is without sufficient knowledge as to the truth of paragraph 5 of the "Facts Giving Rise to this Action" so denies the same.
12. Defendant Kong Peng Vang is without sufficient knowledge as to the truth of paragraph 6 of the "Facts Giving Rise to this Action" so denies the same.
13. Defendant Kong Peng Vang is without sufficient knowledge as to the truth of paragraph 7 of the "Facts Giving Rise to this Action" so denies the same.

WHEREFORE, Defendant Kong Peng Vang demands that the seized currency be returned to him.

Respectfully submitted,

s/ WILLIAM M. BUTLER, JR.
William M. Butler, Jr.
500 West Jefferson Street STE 1520
Louisville, Kentucky 40202
(502) 582-2020
Counsel for Defendant
Email: wmb@kycriminallawyer.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Answer was filed using the NEF system and mailed first class, postage prepaid to the Honorable B. Frank Radmacher, III and to the Honorable Patrick C.M. Hoerter, Assistant Jefferson County Attorney, 531 Court Place, Suite 900, Louisville, Kentucky 40202 this the 7th day of March, 2018.

s/ WILLIAM M. BUTLER, JR.
William M. Butler, Jr.

NO. 18CI[illegible]781

JEFFERSON CIRCUIT COURT
DIVISION
JUDGE

SAINT MATTHEWS POLICE DEPARTMENT PLAINTIFF

vs.

VERIFIED
COMPLAINT FOR FORFEITURE

KONG PENG VANG
SERVE AT: Hilton Garden Inn
Mall of St. Matthews
400 Sherburn Lane
Louisville, Kentucky 40207

and

$193,049.00 UNITED STATES CURRENCY DEFENDANTS

* * * * * * *

Comes now the Plaintiff, Saint Matthews Police Department, by counsel, and states as follows:

JURISIDICTION AND VENUE

1. This is a civil action, brought to enforce the provisions of KRS 218A.410 for the forfeiture of currency ($193,049.00) which was used, or intended to be used, in any manner or part to commit or facilitate the commission of a violation of KRS 218A.010 et seq.

2. This civil forfeiture action arises from the fact that there is probable cause to believe the Defendant, Kong Peng Vang held the aforesaid currency was furnished or intended to be furnished in exchange for a controlled substance in violation of KRS Chapter 218A, or is proceeds traceable to the exchange of a controlled substance in violation of KRS

Chapter 218A.

3. This Court has original jurisdiction and venue over this matter pursuant to KRS 218A.240(5)(a).

THE PARTIES

1. The Defendant is Kong Peng Vang.

2. The Defendant is $192,049.00 U.S. Currency.

FACTS GIVING RISE TO THIS ACTION

1. That on or about February 4, 2018, the Saint Matthews Police Deparment were contacted by the Hilton Garden Hotel about money and other belongings left in a room registered to Defendant, Kong Peng Vang. (Exhibit 1)

2. Upon arrival the investigating officers discovered currency totaling $192,049.00 in various denominations. (Exhibit 2)

3. Through further inspections of the room, various items were discovered and were consistent with use in the illegal sale of drugs. (Exhibit 3)

4. Investigators determined the room was registered to Defendant, Kong Peng Vang.

5. As stated in Exhibit 1, a narcotics canine alerted on the cash evidence indicating the presence of narcotics odor.

6. Pursuant to the provisions of KRS 218A.410(1)(j), since the currency was found in such close proximity to Drug Distributing Paraphernalia, it is legally presumed to be forfeitable.

7. The confiscated currency and controlled substance in violation of KRS Chapter 218A is subject to the claims of the Plaintiff pursuant to KRS 218A.420(4).

WHEREFORE, the Plaintiff demands as follows:

1. That judgment of forfeiture be entered and the Court to Order disbursement of the confiscated currency among interested parties as provided by KRS 218A.420(4).

Respectfully submitted,

MICHAEL J. O'CONNELL
JEFFERSON COUNTY ATTORNEY

B. Frank Radmacher III
Patrick C.M. Hoerter
Assistant Jefferson County Attorney
531 Court Place, Suite 900
Fiscal Court Building
Louisville, KY 40202
(502) 574-6333
Counsel for Plaintiff